

17175 U.S. 09/50/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIPT NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
6683.43USC1	606	079000	E. ROBERT	3732

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV142559337US  
 Date of Deposit: September 5, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*  
 Name: Teresa Anderson

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/896,926, filed on June 28, 2001 entitled BONE PREPARATION INSTRUMENTS AND METHODS by the following inventor(s):

Full Name Of Inventor	Family Name HANSON	First Given Name DAVID	Second Given Name A.
Residence & Citizenship	City MINNEAPOLIS	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 3237 GIRARD AVENUE SOUTH, #2	City MINNEAPOLIS	State & Zip Code/Country MINNESOTA 55408/USA
Full Name Of Inventor	Family Name LONGHINI	First Given Name ROSS	Second Given Name A.
Residence & Citizenship	City WOODBURY	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 6155 COURTLY ALCOVE	City WOODBURY	State & Zip Code/Country MINNESOTA 55125/USA
Full Name Of Inventor	Family Name SEME	First Given Name STEVEN	Second Given Name J.
Residence & Citizenship	City SAVAGE	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 14590 JOPPA AVENUE SOUTH	City SAVAGE	State & Zip Code/Country MINNESOTA 55378/USA

1.  Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 24 pages of specification, 35 claims, 1 page of abstract, 17 sheets of drawings, and 4 pages of oath or declaration.

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- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 2.  Cancel original claims 2-35 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- 3.  The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 1 -20	0	x	<b>\$18.00</b>	<b>0.00</b>
<b>INDEPENDENT CLAIMS</b> 1 -3	0	x	<b>\$84.00</b>	<b>0.00</b>
			<b>BASIC FILING FEE:</b>	<b>\$750.00</b>
			<b>TOTAL FILING FEE:</b>	<b>750.00</b>

- Small entity status is claimed pursuant to 37 CFR 1.27.
- 4.  Payment of fees:
  - Attached is a check in the amount of 750.00
  - Please charge Deposit Account No. 13-2725.
- 5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
- 6.  Amend the specification by inserting before the first line the sentence:
 

"This application is a continuation of application Serial No. , filed , which application(s) are incorporated herein by reference."
- 7.  A set of formal drawings (17 sheets) is enclosed.
- 8.  Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
  - The certified copy has been filed in prior application Serial No. , filed .
- 9.  The prior application is assigned of record to Sulzer Spine-Tech Inc. located at Minneapolis, Minnesota.
- 10.  The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Fee for excess claims is attached.

12.  A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

13.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14.  A Nonpublication Request under 37 CFR 1.213(a) is enclosed.

15.  Also Enclosed: Information Disclosure Statement, PTO Form 1449 and Copy of 7 References

16.  Address all future communications to the **Attention of Nancy J. Parsons** (may only be completed by attorney or agent of record) at the address below.

17.  A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: 9/5/03

*Nancy Parsons*

Nancy J. Parsons  
Reg. No. 40,364  
NParsons:PSTpmc